

## Title 7—AGRICULTURE

### Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

#### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

#### PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

##### Determination and Proration of Area Deficits and Adjusted Quotas for Six-Month Period Ending June 30, 1962

**Basis and purpose.** The purpose of this amendment to Sugar Regulation 811 is to determine and prorate a deficit in the quota for Hawaii pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 87-15, approved March 31, 1961 (hereafter called the "Act").

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area will be unable to market its quota and prescribes the manner in which any deficit in a quota for a domestic area is to be prorated to such other areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202(a)(2) of the Act, shall be prorated to other domestic areas on the basis of the quotas then in effect. On the basis of the quotas established in § 811.2 for domestic areas and the expected supply of sugar available for marketing in the continental United States from these areas for the six-month period ending June 30, 1962, it is hereby found that Hawaii will be unable to market 62,492 short tons, raw value, of its quota and that the Mainland Cane Area will be unable to market more sugar than the quota for that area. Accordingly, the deficit of 62,492 short tons, raw value, in the quota for Hawaii is herein prorated to the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands.

The Act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

The quotas and proration established herein differ from those in effect under Sugar Regulation 811 (27 F.R. 3733). To permit areas for which larger quotas or proration are hereby established to plan to market and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to

the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), Sugar Regulation 811 (26 F.R. 11963; 27 F.R. 3733) is hereby amended by amending § 811.4 to read as follows:

#### § 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined pursuant to section 204(a) of the Act, that for the 6-month period ending June 30, 1962, Hawaii will be unable to fill 62,492 short tons, raw value, of its sugar quota as established in § 811.2.

(b) *Proration of deficits and quotas in effect.* The deficit in the quota determined in paragraph (a) of this section amounting to 62,492 short tons, raw value, is hereby prorated pursuant to section 204(a) of the Act to the other domestic areas as shown below. The quotas for the domestic areas shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein (1)	Quota including proration herein (2)
Domestic beet sugar	39,266	1,094,579
Mainland cane sugar	0	324,730
Hawaii	0	588,968
Puerto Rico	22,014	638,755
Virgin Islands	312	8,710

#### STATEMENT OF BASES AND CONSIDERATIONS

Receipts of Hawaiian sugar in 1962 through April 25 amounted to 205,000 tons. If the same rate of delivery is retained through June 30, there would be a deficit of 250,000 tons in the Hawaiian quota for the first half of 1962. If the rate of receipt is doubled for the balance of the period, a deficit of more than 100,000 tons would still occur. A deficit of 12,492 tons in the quota for Hawaii was declared April 13, 1962.

Recognizing the unsatisfied demand for sugar which is developing in the West because the California & Hawaiian Sugar Refinery in California is strikebound, the availability of additional quantities of beet sugar, and the need of beet sugar processors to adjust their sales plans as quickly as possible during the limited time remaining in the first half of the year, an additional deficit of 50,000 tons is declared at this time in the quota for Hawaii and reallocated to the Domestic Beet Sugar Area, Puerto Rico and the Virgin Islands. None of the deficit is prorated to the Mainland Cane Sugar Area as that Area is not expected to be able to market sugar in excess of its quota for the six-month period ending June 30, 1962.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 204; 61 Stat. 924; U.S.C. 1112, Public Law 87-15)

Done at Washington, D.C., this 9th day of May 1962.

CHARLES S. MURPHY,  
Acting Secretary.

[F.R. Doc. 62-4690; Filed, May 14, 1962; 8:48 a.m.]

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[970.302 Amdt. 5]

#### PART 970—CARROTS GROWN IN SOUTH TEXAS

##### Limitation of Shipments

**Findings.** (a) Pursuant to Marketing Agreement No. 142 and Order No. 970 (7 CFR Part 970), regulating the handling of carrots grown in designated counties in south Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule-making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest than would otherwise prevail, will be promoted by regulating the handling of carrots in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of carrots grown in the production area.

**Order, as amended.** In § 970.302 (26 F.R. 10124; 27 F.R. 335, 1007, 3318, 3651), delete paragraph (b) and in lieu thereof substitute a new paragraph (b) as set forth below.

#### § 970.302 Limitation of shipments.

(b) *Sizing requirements*—(1) *Medium-to-large.*  $1\frac{1}{16}$  inch minimum diameter to  $1\frac{1}{2}$  inches maximum diameter,  $5\frac{1}{2}$  inches minimum length;

(2) *Jumbos*. 1 inch minimum diameter to 3 inches maximum diameter, 5½ inches minimum length.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: Dated May 10, 1962, to become effective May 10, 1962.

FLOYD F. HEDLUND,

Director,

Fruit and Vegetable Division.

[F.R. Doc. 62-4688; Filed, May 14, 1962; 8:48 a.m.]

# Chapter X—Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 47]

## PART 1047—MILK IN FORT WAYNE, IND., MARKETING AREA

### Order Amending Order

#### § 1047.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings*. It is necessary in the public interest to make this

order amending the order effective not later than May 16, 1962. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of said order are known to handlers. The recommended decision of the Assistant Secretary of Agriculture was issued April 13, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued April 30, 1962. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 16, 1962, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations*. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling*. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

#### § 1047.31 [Amendment]

1. Delete in § 1047.31(b) the "25th day" and substitute therefor the "15th day".

2. Delete § 1047.61 and substitute therefor the following:

#### § 1047.61 Handlers subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a) and (b) of this section the provisions of this part shall not apply except that such handler shall, with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant from which the Secretary determines a greater portion of fluid milk products is disposed of

on routes in another marketing area regulated by another order issued pursuant to the Act and such plant is fully subject to such other order: *Provided*, That a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition on routes is made in such other marketing areas unless, notwithstanding the provisions of this paragraph, it is regulated by such other order; and

(b) A distributing plant meeting the requirements of § 1047.12(a) which also meets the pooling requirements of another marketing order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless fully regulated under such other marketing area.

3. Delete § 1047.62 and substitute therefor the following:

#### § 1047.62 Obligations of a handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 1047.80 through 1047.85, each handler, other than a producer-handler or one exempt pursuant to § 1047.61, who operates a nonpool distributing plant, shall pay to the market administrator for deposit in the producer-settlement fund and the administrative assessment fund, as the case may be, as follows:

(a) A handler who so elects at the time of filing his report pursuant to § 1047.30 (except that a handler who elects such option for the month of April must also elect such option for the months of May and June, and that a handler may not exercise such option for May or June if he failed to elect such option for April or if his plant was a pool plant in April) shall pay the amounts computed as follows:

(1) On or before the 13th day after the end of the month, for the producer-settlement fund, an amount equal to the difference between the value of the Class I milk disposed of during the month in the marketing area on routes at the applicable Class I price for the month and the value of such milk at the Class II price; and

(2) On or before the 13th day after the end of the month as his pro rata share of expenses of administration, the rate specified in § 1047.86 with respect to Class I milk disposed of in the marketing area on routes; or

(b) Except as a handler may elect the option pursuant to paragraph (a) of this section, he shall receive payments and shall pay such amounts, as the case may be, as follows:

(1) On or before the 17th day after the end of the month, for the producer-settlement fund, any plus amount resulting from the following computation: *Provided*, That, except during April, May and June, such amount shall not exceed that specified in paragraph (a)(1) of this section;



(i) Compute an amount equal to the value of milk which would be computed pursuant to § 1047.70 for milk received from dairy farmers at such plant for such month if such plant had been a pool plant: *Provided*, That for each of the months of April, May and June an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant shall be subtracted from the amount computed pursuant to this subdivision: *And provided further*, That during each of the months of September, October and November, an amount equal to one-third of the total amount paid to the producer-settlement fund by such handler pursuant to subparagraph (2) of this paragraph in the immediately preceding months of April, May and June shall be added to the amount computed pursuant to this subdivision;

(ii) Deduct the sum of the gross payments made by the handler to dairy farmers for milk received at such plant for such month and any payments made for such month to the producer-settlement fund of another order issued pursuant to the Act due to the nonpool plant being a partially regulated plant under such other order: *Provided*, That gross payments to dairy farmers to be included in this computation shall be limited to cash payments made to the dairy farmer or his assignee on or before the date of the report pursuant to § 1047.31(b), plus the value of any supplies as evidenced by a delivery ticket signed by the dairy farmer: *And provided further*, That payments made to the producer-settlement fund of another order issued pursuant to the Act shall include any payments made pursuant to a provision in such order similar to subparagraph (2) of this paragraph;

(2) On or before the 17th day after the end of each of the months of April, May and June for the producer-settlement fund an amount equal to eight percent of the applicable Class I price multiplied by the quantity of milk received from dairy farmers at such plant;

(3) On or before the 17th day after the end of each of the months of September, October and November, the market administrator shall pay from the producer-settlement fund to each handler pursuant to this paragraph an amount equal to one-third of the total amount received from such handler pursuant to subparagraph (2) of this paragraph during the immediately preceding months of April, May and June: *Provided*, That if during any of the months of September, October and November the provisions of this paragraph are not applicable to such handler's plant, the market administrator shall in lieu of the payments pursuant to this subparagraph, include such moneys in the amounts added in computing the uniform price pursuant to § 1047.71(c); and

(4) On or before the 13th day after the end of the month, an amount equal to that which would have been computed pursuant to § 1047.86 had such plant been a pool plant, except that if such plant is also partially regulated under

another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payment under the other order.

#### § 1047.86 [Amendment]

5. Delete in § 1047.86(c) the reference "(b) (2)" and substitute therefor "(b) (4)".

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: May 16, 1962.

Signed at Washington, D.C., on May 10, 1962.

JOHN P. DUNCAN, Jr.,  
Assistant Secretary.

[F.R. Doc. 62-4702; Filed, May 14, 1962; 8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER A—DEFINITIONS [NEW]

[Reg. Docket No. 1150]

#### PART 1—DEFINITIONS AND ABBREVIATIONS [NEW]

This amendment adds Part 1—Definitions and Abbreviations [New] to Chapter I of Title 14 of the Code of Federal Regulations. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material. It conforms to the "Outline and Analysis" for the proposed recodification contained in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

During the life of the codification project, Chapter I of Title 14 may contain more than one part bearing the same numbers. To differentiate between the two, the recodified parts, such as this one, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

Part 1 [New] will apply only to new parts and subchapters of Chapter I of Title 14 that are published as a part of the recodification program. It does not apply to current "Civil Air Regulations" or to "Regulations of the Administrator". The definitions currently in each of those regulations will continue to apply to that regulation until it is recodified. Part 1 [New] places all needed definitions in one part and makes them apply across the board to all regulations in the recodification program.

Part 1 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on February 21, 1962, and circulated as Draft Release No. 62-7. In general, comments received concurred with the proposal as published and offered technical comments aimed at improving or perfecting certain definitions. Many comments were helpful in determining the necessity for and meanings of various included terms. A number of the definitions appearing in Draft Release No. 62-7 have been changed as a

result of comments received and as a result of further FAA study.

Definitions, now contained in FAA Regulations, that do not appear in this part, have been omitted as surplusage or will be executed in revising the parts to which they apply. The fact that they do not appear in Part 1 [New] does not mean, in each case, that they have been dropped. Many of the terms previously defined will be used without definition since none is necessary. In other cases, the term will be used but spelled out so as to make definition unnecessary. Definitions which are actually rules will be positively stated as such in the appropriate part.

Many of the comments received proposed the addition of terms that are not justified for inclusion at this time. If later developments show a need for any of them, these comments will be reconsidered. It is impossible, at this beginning stage of the recodification project to foresee all of the implications of possible definition changes as there is yet no draft of the entire recodification. The entire field of definitions must be amenable to frequent change as implications become apparent when applied to specific regulations. For this reason it may be necessary during the course of the recodification project to make additions, deletions, or changes in the definitions to reflect solutions found to problems encountered in the course of the project. Therefore, while this part represents the considered judgments of the Agency and the comments received from its circulation as a notice, it is not considered to be all inclusive. It is published at this time to provide the necessary legal definitions for those parts of the recodification that have been or will soon be promulgated.

One new definition, "Armed forces", has been added to reflect the usage of that word in the regulations. It is based on the definition of that phrase now found in section 101 of Title 10 of the United States Code.

Six definitions have been eliminated. "Critical altitude" and "Passenger" have been deleted since they each have dual meanings that must be executed in the separate parts to which each of them applies. "Cruising altitude" has been deleted as unnecessary. "Solo flight time" has been eliminated since it has real meaning only in the area relating to student pilots, at which place it will be executed. For all other purposes it is equivalent to "pilot in command" time and will be treated as such in the recodified regulations. "Air traffic control" and "Air traffic control clearance" have been deleted to permit further study by the FAA to determine whether they can be made more accurate and concise.

Several definitions have been perfected or corrected from a technical standpoint. The word "fixed" has been eliminated from the definition of "Airframe" so as to include all airfoil surfaces within that term. "Equivalent airspeed" has been corrected by adding the word "calibrated" before the word "airspeed" the first time it appears. The second sentence in the definition of "True airspeed" has been corrected to show the appro-

appropriate formula for its relationship to "Equivalent airspeed". The definition of "Propeller" has been changed to exclude therefrom main and auxiliary rotors and rotating airfoils of engines.

Other changes of a clarifying nature have been made in the definitions of "Brake horsepower", "Maintenance", "Route segment", and "Traffic pattern", without changing the proposed meanings of those terms.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Chapter I of Title 14 is amended by adding a Part 1 [New] as set forth below, effective May 15, 1962.

This amendment is made under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)).

Issued in Washington, D.C., on May 9, 1962.

N. E. HALABY,  
Administrator.

#### Sec.

- 1.1 General definitions.
- 1.2 Abbreviations and symbols.
- 1.3 Rules of construction.

AUTHORITY: §§ 1.1 to 1.3 issued under sec. 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)).

#### § 1.1 General definitions.

As used in this chapter:

"Administrator" means the Administrator of the Federal Aviation Agency or any person to whom he has delegated his authority in the matter concerned.

"Aerodynamic coefficients" means non-dimensional coefficients for aerodynamic forces and moments.

"Aircraft" means a device that is used or intended to be used for flight in the air.

"Aircraft engine" means an engine that is used or intended to be used in propelling aircraft. It includes engine appurtenances and accessories necessary for its functioning, but does not include propellers.

"Airframe" means the fuselage, booms, nacelles, cowlings, fairings, airfoil surfaces (excluding propellers and rotating airfoils of engines), and landing gear of an aircraft and their accessories and controls.

"Airplane" means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

"Airport" means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

"Airship" means an engine-driven lighter-than-air aircraft that can be steered.

"Air traffic" means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas.

"Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

"Alternate airport" means an airport at which an aircraft may land if a landing at the intended airport becomes inadvisable.

"Appliance" means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

"Approved", unless used with reference to another person, means approved by the Administrator.

"Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including their regular and reserve components and members serving without component status.

"Autorotation" means a rotorcraft flight condition in which the lifting rotor is driven entirely by action of the air when the rotorcraft is in motion.

"Auxiliary rotor" means a rotor that serves either to counteract the effect of the main rotor torque on a rotorcraft or to maneuver the rotorcraft about one or more of its three principal axes.

"Balloon" means a lighter-than-air aircraft that is not engine driven.

"Brake horsepower" means the power delivered at the propeller shaft (main drive or main output) of an aircraft engine.

"Calibrated airspeed" means the indicated airspeed of an aircraft, corrected for position and instrument error. Calibrated airspeed is equal to true airspeed in standard atmosphere at sea level.

"Ceiling" means the height above the earth's surface of the lowest layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration", and not classified as "thin" or "partial".

"Civil aircraft" means aircraft other than public aircraft.

"Controlled airspace" means airspace, designated as continental control area, control area, control zone, or transition area, within which some or all aircraft may be subject to air traffic control.

"Crewmember" means a person assigned to perform duty in an aircraft during flight time.

"Critical engine" means the engine whose failure would most adversely affect the performance or handling qualities of an aircraft.

"Dual instruction" means flight instruction received during flight time from a person authorized by this chapter to give flight instruction.

"Equivalent airspeed" means the calibrated airspeed of an aircraft corrected for adiabatic compressible flow for the particular altitude. Equivalent airspeed is equal to calibrated airspeed in standard atmosphere at sea level.

"Extended over-water operation" means an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shore line.

"Fireproof":

(1) With respect to materials and parts used to confine fire in a designated fire zone, means the capacity to withstand heat at least as well as steel, in dimensions appropriate for the purpose for which they are used, under the most severe conditions of fire and duration likely to occur in that zone; and

(2) With respect to other materials and parts, means the capacity to withstand heat at least as well as steel in dimensions appropriate for the purpose for which they are used.

"Fire resistant":

(1) With respect to sheet or structural members, means the capacity to withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which they are used; and

(2) With respect to fluid-carrying lines, other flammable fluid system parts, wiring, air ducts, fittings, and powerplant controls, means the capacity to withstand heat at least as well as aluminum alloy, in dimensions appropriate for the purpose for which they are used, under the heat and other conditions likely to occur at the place concerned.

"Flame resistant" means not susceptible to combustion to the point of propagating a flame, beyond safe limits, after the ignition source is removed.

"Flammable", with respect to a fluid or gas, means susceptible to igniting readily or to exploding.

"Flap extended speed" means the highest speed permissible with wing flaps in a prescribed extended position.

"Flash resistant" means not susceptible to burning violently when ignited.

"Flight crewmember" means a pilot, flight engineer, or flight navigator assigned to duty in an aircraft during flight time.

"Flight level" means a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury. Each is stated in three digits that represent hundreds of feet. For example, flight level 250 represents a barometric altimeter indication of 25,000 feet; flight level 255, an indication of 25,500 feet.

"Flight plan" means specified information, relating to the intended flight of an aircraft, that is filed orally or in writing with air traffic control.

"Flight time" means the time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing. ("Block-to-block" time.)

"Flight visibility" means the average forward horizontal distance, from the cockpit of an aircraft in flight, at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Foreign air carrier" means any person other than a citizen of the United States, who undertakes directly, by lease or other arrangement, to engage in air transportation.

"Foreign air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce between



a place in the United States and any place outside of the United States, whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

"Glider" means a heavier-than-air aircraft, that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

"Ground visibility" means prevailing horizontal visibility near the earth's surface as reported by the United States Weather Bureau or an accredited observer.

"Gyrodyne" means a rotorcraft whose rotors are normally engine-driven for takeoff, hovering, and landing, and for forward flight through part of its speed range, and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

"Gyroplane" means a rotorcraft whose rotors are not engine-driven, except for initial starting, but are made to rotate by action of the air when the rotorcraft is moving; and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

"Helicopter" means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven rotors.

"Heliport" means an area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters.

"IFR conditions" means weather conditions below the minimum for flight under visual flight rules.

"Indicated airspeed" means the speed of an aircraft as shown on its pitot static airspeed indicator calibrated to reflect standard atmosphere adiabatic compressible flow at sea level uncorrected for airspeed system errors.

"Instrument" means a device using an internal mechanism to show visually or aurally the attitude, altitude, or operation of an aircraft or aircraft part. It includes electronic devices for automatically controlling an aircraft in flight.

"Interstate air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce:

(1) Between a place in a State or the District of Columbia and another place in another State or the District of Columbia;

(2) Between places in the same State through the airspace of any place outside that State; or

(3) Between places in the same possession of the United States; whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

"Landing gear extended speed" means the maximum speed at which an aircraft can be safely flown with the landing gear extended.

"Landing gear operating speed" means the maximum speed at which the landing gear can be safely extended or retracted.

"Large aircraft" means aircraft of more than 12,500 pounds, maximum certificated takeoff weight.

"Lighter-than-air aircraft" means aircraft that can rise and remain suspended by using contained gas weighing less than the air that is displaced by the gas.

"Mach number" means the ratio of true airspeed to the speed of sound.

"Main rotor" means the rotor that supplies the principal lift to a rotorcraft.

"Maintenance" means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

"Major alteration" means an alteration:

(1) That might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) That is not done according to accepted practices or cannot be done by elementary operations.

"Major repair" means a repair:

(1) That, if improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

(2) That is not done according to accepted practices or cannot be done by elementary operations.

"Manifold pressure" means absolute pressure as measured at the appropriate point in the induction system and usually expressed in inches of mercury.

"Maximum continuous power":

(1) With respect to reciprocating engines, means the brake horsepower that is developed (i) in standard atmosphere at a specified altitude and (ii) under the maximum conditions of crankshaft rotational speed and engine manifold pressure that are approved for use of unrestricted duration; and

(2) With respect to turbine engines, means the brake horsepower that is developed (i) at a specified altitude, atmospheric temperature, and flight speed and (ii) under the maximum conditions of rotor shaft rotational speed and gas temperature that are approved for use of unrestricted duration.

"Maximum continuous thrust," with respect to turbine engines, means the jet thrust that is developed (1) at a specified altitude, atmospheric temperature, and flight speed and (2) under the maximum conditions of rotor shaft rotational speed and gas temperature that are approved for use of unrestricted duration.

"Medical certificate" means acceptable evidence of physical fitness on a form prescribed by the Administrator.

"Minor alteration" means an alteration other than a major alteration.

"Minor repair" means a repair other than a major repair.

"Navigable airspace" means airspace at and above the minimum flight altitudes prescribed by or under this chapter, including airspace needed for safe takeoff and landing.

"Night" means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the American Air Almanac, converted to local time.

"Operate," with respect to aircraft, means use, cause to use, or authorize to use aircraft for the purpose of air navigation, including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise).

"Operational control," with respect to a flight, means the exercise of authority over initiating, conducting, or terminating a flight.

"Overseas air transportation" means the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in commerce:

(1) Between a place in a State or the District of Columbia and a place in a possession of the United States; or

(2) Between a place in a possession of the United States and a place in another possession of the United States;

whether that commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

"Parachute" means a device used or intended to be used to retard the fall of a body or object through the air.

"Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

"Pilot" means a person who holds a pilot certificate.

"Pilotage" means navigation by visual reference to landmarks.

"Pilot in command" means the pilot responsible for the operation and safety of an aircraft during flight time.

"Pitch setting" means the propeller blade setting as determined by the blade angle measured in a manner, and at a radius, specified by the instruction manual for the propeller.

"Positive control" means control of all air traffic, within designated airspace, by air traffic control.

"Preventive maintenance" means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

"Prohibited area" means designated airspace within which the flight of aircraft is prohibited.

"Propeller" means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines.

"Public aircraft" means aircraft used only in the service of a government, or a political subdivision. It does not include any government-owned aircraft engaged in carrying persons or property for commercial purposes.

"Rating" means a statement that, as a part of a certificate, sets forth special conditions, privileges, or limitations.

"Reporting point" means a geographical location in relation to which the position of an aircraft is reported.

"Restricted area" means airspace designated under Part — [Present Part 608] of this chapter within which the flight of aircraft, while not wholly prohibited, is subject to restriction.

"Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

"Route segment" means a part of a route. Each end of that part is identified by:

(1) A continental or insular geographical location; or

(2) A point at which a definite radio fix can be established.

"Second in command" means a pilot who is designated to be second in command of an aircraft during flight time.

"Small aircraft" means aircraft of 12,500 pounds or less, maximum certificated takeoff weight.

"Standard atmosphere" means atmosphere in which:

(1) The air is a dry perfect gas;

(2) The temperature at sea level is 59 degrees Fahrenheit;

(3) The pressure at sea level is 29.92 inches Hg.;

(4) The temperature gradient from sea level to the altitude at which the temperature is -69.7 degrees Fahrenheit is -0.003566 Fahrenheit per foot and zero above that altitude; and

(5) The density  $\rho_0$  at sea level under the conditions described in subparagraphs (1) to (4) is 0.002377 lb. sec.<sup>2</sup>/ft.<sup>4</sup>.

"Takeoff power":

(1) With respect to reciprocating engines, means the brake horsepower that is developed under standard sea level conditions, and under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for the normal takeoff, and limited in continuous use to the period of time shown in the approved engine specification; and

(2) With respect to turbine engines, means the brake horsepower that is developed under static conditions at a specified altitude and atmospheric temperature, and under the maximum conditions of rotor shaft rotational speed and gas temperature approved for the normal takeoff, and limited in continuous use to the period of time shown in the approved engine specification.

"Takeoff thrust", with respect to turbine engines, means the jet thrust that is developed under static conditions at a specific altitude and atmospheric temperature under the maximum conditions of rotorshaft rotational speed and gas temperature approved for the normal takeoff, and limited in continuous use to the period of time shown in the approved engine specification.

"Time in service", with respect to maintenance time records, means the time from the moment an aircraft leaves the surface of the earth until it touches it at the next point of landing.

"True airspeed" means the airspeed of an aircraft relative to undisturbed air. True airspeed is equal to equivalent airspeed multiplied by  $(\rho_0/\rho)^{1/2}$ .

"Traffic pattern" means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from, an airport.

"United States", in a geographical sense, means (1) the States, the District of Columbia, Puerto Rico, and the possessions, including the territorial waters, and (2) the airspace of those areas.

"United States air carrier" means a citizen of the United States who undertakes directly by lease, or other arrangement, to engage in air transportation.

## § 1.2 Abbreviations and symbols.

In this chapter:

"ATC" means air traffic control.

"CAS" means calibrated airspeed.

"CONSOL or CONSOLAN" means a kind of low or medium frequency long range navigational aid.

"DME" means distance measuring equipment compatible with TACAN.

"FAA" means Federal Aviation Agency.

"FM" means fan marker.

"ICAO" means International Civil Aviation Organization.

"IFR" means instrument flight rules.

"ILS" means instrument landing system.

"INT" means intersection.

"LMM" means compass locator at middle marker.

"LOM" means compass locator at outer marker.

"MAA" means maximum authorized IFR altitude.

"MEA" means minimum en route IFR altitude.

"MM" means ILS middle marker.

"MSL" means mean sea level.

"OM" means ILS outer marker.

"RBN" means radio beacon.

"RR" means low or medium frequency radio range station.

"TACAN" means ultra-high frequency tactical air navigational aid.

"TVOR" means very high frequency terminal omnirange station.

"VFR" means visual flight rules.

"VHF" means very high frequency.

"VOR" means very high frequency omnirange station.

"VORTAC" means collocated VOR and TACAN.

## § 1.3 Rules of construction.

(a) In this chapter, unless the context requires otherwise:

(1) Words importing the singular include the plural;

(2) Words importing the plural include the singular; and

(3) Words importing the masculine gender include the feminine.

(b) In this chapter the word:

(1) "Shall" is used in an imperative sense;

(2) "May" is used in a permissive sense to state authority or permission to do the act prescribed, and the words "no person may \* \* \*" or "a person may not \* \* \*" mean that no person is required, authorized, or permitted to do the act prescribed; and

(3) "Includes" means "includes but is not limited to".

[F.R. Doc. 62-4686; Filed, May 14, 1962; 8:48 a.m.]

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1195; Amdt. 438]

### PART 507—AIRWORTHINESS DIRECTIVES

#### Hughes Model 269A Helicopter

Because of changes in the camshaft of certain Lycoming O-360-C2D engines installed in Hughes Model 269A helicopters, the power rating of the engines has been reduced from 180 hp to 176 hp. This reduction necessitates a change in the operating limitations for the helicopters since operations under the original operating limitations creates an unsafe condition for hovering operations. A revision to the FAA approved Flight Manual has been prepared by the helicopter manufacturer and approved by the FAA covering the new operating limitations. An airworthiness directive is necessary to require incorporation of the new operating limitations in all Flight Manuals.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

HUGHES. Applies to Model 269A helicopters equipped with Lycoming Model O-360-C2D engines of Serial Numbers L-3816-36 through L-4599-36 and L-4601-36 through L-4640-36.

Compliance required within 50 hours' time in service after the effective date of this directive.

Because of revisions to the operating limitations necessitated by changes in engine camshafts which resulted in a reduction in maximum horsepower, the FAA approved Flight Manual shall be revised to incorporate the new operating limitations as set forth in Hughes Model 269A Flight Manual revised page 24A.

When engines modified to incorporate a new camshaft in accordance with Lycoming Service Instructions are installed, the aircraft may be operated in accordance with original operating limitations.

This amendment shall become effective May 15, 1962.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 8, 1962.

G. S. MOORE,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 62-4660; Filed, May 14, 1962; 8:45 a.m.]